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2021 - CRM -151

ATTORNEY FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF WYOMING**

BRETT HEMRY, Individually and as Next	)	21 CV 136-J
Friend of F.M.H., GENALYN HEMRY,	)	
Individually and as Next Friend of F. M. H.,	)	
and F.M.H., a minor child,	)	
	)	
Plaintiffs,	)	
	)	
-vs.-	)	
	)	
ROBERT R. COOKE, BRETT M. TILLERY,	)	
and JOHN DOE 1 through JOHN DOE 10,	)	
agents and servants of the Sheriff of Park	)	
County Wyoming; and BRADLEY M.	)	
ROSS, MEHRAN AZIZIAN, and JOHN	)	
DOES 11 through 20, agents and servants	)	
of the National Park Service, United States	)	
Department of the Interior,	)	
	)	
Defendants.	)	

**PLAINTIFFS' RESPONSE TO STATE DEFENDANTS' MOTION FOR STAY**

COME NOW the plaintiffs, by and through their attorney Robert T. Moxley, of Robert T. Moxley P.C., Cheyenne, Wyoming, and in response to the State Defendants' Motion for Stay (Document 49) respectfully show the Court as follows:

1. The Plaintiffs are in receipt of both the State Defendants' Motion for Stay (Doc. 49), and the Federal Defendants' Response (Doc. 50), and favor an approach to the motion that prevents undue prejudice to the Federal Defendants, while honoring the Plaintiffs' needs for discovery, and for the case to go forward.

2. Plaintiffs do not generally disagree with the federal defendants' legal positions, but agree with the jurisdiction analysis only as it relates to the federal defendants; moreover, it is now the Law of the Case that the State defendants are not entitled to qualified immunity, and the Court does not need to wholly stay proceedings in order to protect the federal defendants.

3. Plaintiff would propose that the Court allow written discovery to proceed, between the state defendants and plaintiffs, during the pendency of the federal defendants' appeal.

Respectfully submitted this 9<sup>th</sup> day of February, 2022.

/s/Robert T. Moxley (electronically signed)  
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